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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Miscellaneous Appeal No.36 of 2007

Appellant Plaintiff		Kartikey Jaiswal, aged about 49 years, S/o Late Surendra Dev Jaiswal, R/o Police Line Road, Ambikapur, District Surguja (CG)
	versus	
Respondents Defendants	1.	State of Chhattisgarh, through Collector, Surguja (CG)
	2.	Municipal Corporation, Ambikapur, through its Commissioner Office, Near Water Tank, Kedarpur, Ambikapur, Surguja (CG)
	3.	Public Works Department, through Executive Engineer, Division Ambikapur, District Surguja (C.G.)

Miscellaneous Appeal under Order 43 Rule 1(R) of the Code of Civil Procedure

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Present : Shri Manoj Paranjpe, counsel for the appellant.
Shri Akhil Agrawal, Panel Lawyer for the State/respondents No.1 and 3.
Shri Sanjay K. Agrawal, counsel for respondent No.2.

ORDER

(Passed on 3rd September, 2007)

Shri Manoj Paranjpe, learned counsel for the appellant submitted that he would not press the appeal if the respondents are willing to give an undertaking that they shall restore possession of the suit land to the appellant/plaintiff in case the appellant/plaintiff finally succeeds in Civil Suit No.5-A/2007.

(2) Shri Akhil Agrawal, learned Panel Lawyer for the State/respondents No.1 and 3 and Shri Sanjay K. Agrawal, learned counsel for respondent No.2 submitted that there is no question of giving any such undertaking because if the appellant/plaintiff succeeds in the suit, the respondents/defendants shall be bound by the final decision in the *lis*.

(3) I am of the considered opinion that the submission made by the learned counsel appearing for the respondents has substance because the respondents would be bound by the decision in the *lis* between the parties.

(4) Shri Manoj Paranjpe, learned counsel for the appellant does not press this appeal, at this stage.

(5) The appeal is accordingly dismissed as not pressed.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Gopal